



Political Advertising...

...Understanding the Rules

The Federal Communications Commission (FCC) has over the years promulgated some very specific rules regarding political advertising on licensed AM, FM and TV stations in the United States. Often those rules are misunderstood and misapplied. The purpose of this page is to explain those rules in as plain language as possible so that political advertising buys may be made as efficiently as possible.

The rules that are of the most interest to candidates for public office are 47 CFR § 73.1944, 73.1941 and 73.1942.

Rule 73.1944 is the rule that requires that station licensees make time available for purchase by candidates for *Federal* office. *Stations have no choice in this area.* If a candidate for Congress or President of the United States wants to make a “use” of the station by purchasing advertising time, stations must make a reasonable amount of time available for such “use.” (More on “use” below.)

Rule 73.1942 is the rule that covers what stations may charge for such “use.” Put simply, in the period from 45 days prior to a primary election and 60 days prior to a general election or special election, stations must offer time to legally qualified candidates at the “Lowest Unit Charge” for the same class(es) of time. This is what is typically called the “Political Rate.”

Rule 73.1941 gives stations discretion with respect to elections *other than for Federal office.* Again put simply, stations are *not* required to accept advertising for candidates running for state and local office. But if a station *does* accept advertising from one candidate for a particular office, it must make similar amounts of time available for all *other* candidates for that office. Also, once a station does accept such advertising, the rest of the provisions of Rule 73.1942 then apply.

The Meaning of “Use.” In order to be considered a “use” of the station for purposes of qualifying for Lowest Unit Charge rates, *the candidate must “appear” in the commercial.* In the case of radio advertising, that means that the candidate’s voice must be a part of the commercial announcement.

The most important thing to remember about political advertising on the radio: regardless of which elective office a candidate is seeking, in order to qualify for the benefits of Lowest Unit Charge rates, the candidate’s voice must appear in all commercials that he or she purchases.

